



Alex Young <axyoung@gmail.com>

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## Responding to Jesse Ward vs. Consequence Holdings Summons

6 messages

**Alex Young** <axyoung@consequenceofsound.net>  
To: RL@liebowitzlawfirm.com

Thu, Oct 18, 2018 at 3:00 PM

Mr. Liebowitz,

I recently received your summons regarding a copyright infringement lawsuit filed against Consequence Holdings by photographer Jessie Ward in the Southern District of Illinois. I apologize for taking so long to respond to the summons... I only received it in the mail late last week. I believe you originally sent it to our registered agent, who then mailed it to us.

To start, we were unaware that the photograph belonged to Mr. Ward and removed it promptly upon receiving your notification. Had we known the photograph was taken by Mr. Ward specifically for the use of the New York Daily News, we would never have used it. As this was several years ago, I cannot specifically remember why our editorial staff opted to use this specific photograph, but it was by no means done intentionally or to infringe on Mr. Ward's work. We respect artists' rights and license all of our photos via a pool of freelancers we work with. If you visit our website, you'll also notice each photograph is properly credited.

Given this, I would propose an amicable solution in which we compensate Mr. Ward for his normal rate for a published photograph. If you could provide me with that information, that would be extremely helpful.

In the interim, I would also ask that you provide an extension on the 21-day summons deadline. As I mentioned previously, we only just received your letter last week, and not September 25th -- as noted on the initial date of delivery.

I look forward to hearing from you.

--  
alex young  
founder/publisher  
consequence of sound  
[alex@consequenceofsound.net](mailto:alex@consequenceofsound.net)

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**Richard Liebowitz** <RL@liebowitzlawfirm.com>  
To: [axyoung@consequenceofsound.net](mailto:axyoung@consequenceofsound.net)

Thu, Oct 18, 2018 at 3:17 PM

Dear Mr. Young,

Thank you for your e-mail. I am authorized to make an offer of \$25,000. We look forward to hearing from you.

Best,

Richard Liebowitz, Esq.  
Liebowitz Law Firm, PLLC  
t.516-233-1660

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Thu, Oct 18, 2018 at 4:47 PM

Mr. Liebowitz,

Thank you for your response. To confirm, can you provide an extension as we negotiate a settlement. Additionally, it would be helpful to know Mr. Ward's standard rate when it comes to publishing photographs.

I ask this because as I understand it, Mr. Ward did not register the photograph in question until December 19, 2017 -- over a year after it was published on our website. Because [it was not registered within three months of first publication](#), Mr. Ward can not ask for statutory damages.

As it relates the Digital Millennium Copyright Act, as I noted in my previous email, our use of Mr. Ward's photo was not done intentionally or maliciously. As I outlined, our photographs are licensed and provide attribute to the photographer. In this one-off case, our policy obviously fell by the wayside and we apologize. Which is why we're willing to compensate Mr. Ward at a fair price.

With this in mind, I ask how you came up with the proposed \$25,000 settlement number. To date, the article on which Mr. Ward's photograph was featured has generated 3,861 page views (per Google Analytics). At a \$10.00 CPM, we generated a little less than \$40 in revenue from the article.

Again, it would be helpful to know what Mr. Ward's normal rate is.

Thank you and I look forward to your response.

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**Richard Liebowitz** <RL@liebowitzlawfirm.com>  
To: [alexyoung@consequenceofsound.net](mailto:alexyoung@consequenceofsound.net)

Thu, Oct 18, 2018 at 9:20 PM

Thank you. We will agree to the extension, how long do you need?

Best,

Richard Liebowitz, Esq.  
Liebowitz Law Firm, PLLC  
t.516-233-1660

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**Alex Young** <alexyoung@consequenceofsound.net>  
To: [RL@liebowitzlawfirm.com](mailto:RL@liebowitzlawfirm.com)

Fri, Oct 19, 2018 at 3:32 PM

Mr. Liebowitz,

I have not yet had a chance to consult with my team internationally, as a few people have been out of the office. I hope to connect with them early next week.

In the meantime, did you have any thoughts on my previous email? Perhaps we can schedule a phone call to discuss further sometime next week?

Thank you

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**Richard Liebowitz** <RL@liebowitzlawfirm.com>  
To: alexyoung@consequenceofsound.net

Fri, Oct 19, 2018 at 4:34 PM

How does Monday at 3pm EST work for you?

Thank you.

Best,

Richard Liebowitz, Esq.  
Liebowitz Law Firm, PLLC  
t.516-233-1660

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